



# COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Consumer Protection

*Office of Pesticide Services*

PO Box 1163, Richmond, Virginia 23218

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[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

February 27, 2018

Ms. Tawanda Maignan, Team Leader  
Emergency Response Team  
U.S. EPA Office of Pesticide Programs (7504P)  
Document Processing Desk (EMEX)  
Room S4900, One Potomac Yard  
2777 Crystal Drive  
Arlington, VA 22202

RE: 2018 Request to Re-certify Repeat FIFRA §18 - Use of sulfoxaflor on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in Virginia

Dear Ms. Maignan:

In accordance with 40 CFR 166.20(b) (5), the Virginia Department of Agriculture and Consumer Services is submitting a re-certification request for the referenced Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §18 Emergency Exemption for use of sulfoxaflor on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in Virginia. The previously authorized exemption (File Symbol 17VA06) permitted use of Transform WG (50% a.i. sulfoxaflor) under the Section 18 label.

VDACS will, under the authority of the Virginia Pesticide Control Act and FIFRA, ensure that the use of these pesticides under this exemption is in compliance with all requirements specified by EPA in approving this re-certification request.

Virginia initially submitted a request for this use on September 3, 2015 but it was later withdrawn. The request was resubmitted in 2016 and authorized by EPA under File Symbol 16VA06. A recertification request was submitted in 2017 and approved (17VA06). This is the fourth year that VDACS has requested this use. Jamey Thomas, Dow AgroSciences, has indicated that the federal registration for this use is pending. He does not expect it before the end of this use season.

Entomology staff from Virginia Tech's Tidewater Agricultural Research and Extension Centers (VT AREC) reported that they documented the expansion of sugarcane aphid in 2017. They expect the sugarcane aphid to continue across sorghum growing counties in Virginia 2018. Due to the continued spread of the insect and based on the USDA Farm Service Agency's sorghum acreage data for Virginia

-Equal Opportunity Employer-

Ms. Tawanda Maignan  
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as of January 16, 2018 they requested adding the following counties to the Emergency Exemption's list of distribution and use locations: Giles, Green, and Henry. They also listed Montgomery and Page however, they are already listed.

Attached please find Virginia's completed *Emergency Exemption (Section 18) Streamlined Repeat Request* form, the Final Report for 2017, a registrant support letter, an VT AREC staff update, and a proposed label for the Transform WG emergency exemption use covered under this request. The label will be updated with the correct date range and file symbols once approved.

If you require any further information, please do not hesitate to contact Mr. Micah Raub, Program Coordinator for Product Registration in the Office of Pesticide Services, at (804) 786-4845 or email at [micah.raub@vdacs.virginia.gov](mailto:micah.raub@vdacs.virginia.gov).

Sincerely,



Vickie B. Rengers  
Program Supervisor, CLRT  
Office of Pesticide Services  
Telephone - (804) 786-8934  
FAX - (804) 786-9149

Enclosures

cc: Charles Green, Acting Commissioner  
Larry Nichols, Division Director  
Liza Fleeson Trossbach, Program Manager  
Dr. Michael Weaver, VPI & SU  
John Butler, EPA Region III  
Sean Malone, VPI & SU  
Jamey Thomas, Dow AgroSciences

## Emergency Exemption (Section 18) Streamlined Repeat Request

The Virginia Department of Agriculture and Consumer Services (VDACS) requests a specific emergency exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, for use of sulfoxaflor, formulated as the product Transform WG, (EPA Reg. No. 62719-625), on sorghum to control Sugarcane Aphid (*Melanaphis sacchari*), and incorporates by reference all information submitted in the application dated May 20, 2016 and in all subsequent requests (2017).

This is the fourth year\* that VDACS has requested this use (\*withdrawn first year). VDACS asks that this specific exemption request be processed as eligible for a streamlined repeat request as allowed by 40 CFR 166.20(b)(5).

Also in accordance with the regulations, VDACS hereby certifies the following (check one that applies for each numbered item) and, if applicable, attach additional information):

1. ☒ The emergency condition(s) described in the previously submitted emergency exemption application continues to exist.
2. ☒ Except as expressly identified in the attached document, all information submitted in the previously submitted emergency exemption application is still accurate.
3. ☒ The proposed conditions of use are identical to the conditions of use EPA approved previously for emergency File Symbol 17VA06, dated: April 9, 2017, except as expressly identified below:
  - A. Use area expanded to allow use in these additional counties: Giles, Greene, and Henry.
4. ☒ There were no additional conditions or limitations on the eligibility for recertification identified in the previous notice of approval;
5. ☒ The applicant has not newly become aware of any alternative chemical or nonchemical practice that may offer a meaningful level of pest control;
6. ☒ A final or interim report is attached for 2017 (File Symbol 17VA06).

January 24, 2018

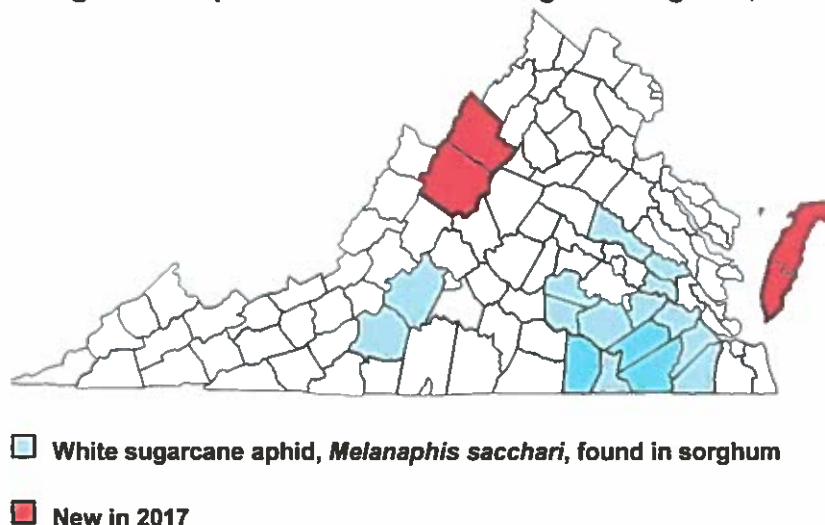
Micah B. Raub  
 Office of Pesticide Services  
 Virginia Department of Agriculture and Consumer Services  
 102 Governor Street, Room LL14, Richmond VA 23219

Dear Mr. Raub,

The entomology program at the Virginia Tech Tidewater Agricultural Research and Extension Center is thankful for your help in the past with pesticide-related issues and requests. We would like to please request your assistance again with the recertification of the Federal Insecticide, Fungicide, and Rodenticide Act Section 18 Emergency Exemption for the use of sulfoxaflor (Transform WG [50% sulfoxaflor], Dow AgroSciences LLC), on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in Virginia.

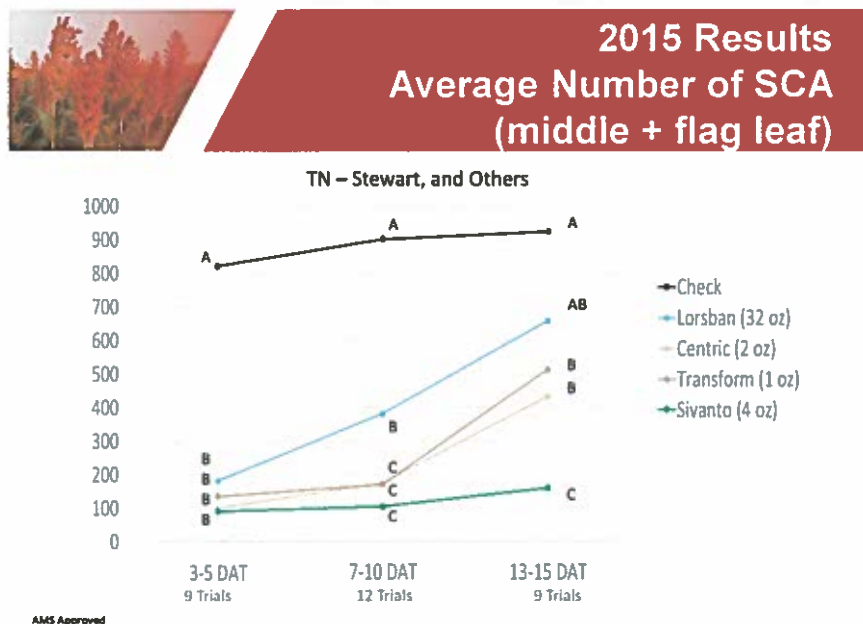
In 2017, we documented the expansion of sugarcane aphid into four additional Virginia counties (Accomack, Augusta, Northampton, and Rockingham) (Fig. 1). We expect the sugarcane aphid pest situation to continue to exist across sorghum-growing counties in Virginia in 2018.

#### Sugarcane Aphid Distribution in Virginia Sorghum, 2017



**Figure 1.** Sugarcane aphid distribution in Virginia sorghum, 2017.

We are not aware of any products other than Transform and Sivanto that are effective against sugarcane aphid (Fig. 2). Having these two pesticide options would provide sorghum growers with two different active ingredient classes to choose from, and is beneficial in any instances of product shortage.



**Figure 2.** Slide 45 from the United Sorghum Checkoff Program presentation by Brent Bean, “Sugarcane Aphid Management – 2017.” Results are an average of 9 to 12 trials across the United States. Sivanto and Transform consistently gave the best results. Centric is not labeled. Lorsban is labeled for aphids but clearly did not work as well as Sivanto or Transform. Source: <http://www.sorghumcheckoff.com/farmer-resources/grain-production/pest-management>

We expect that sugarcane aphids will be widespread across Virginia in 2018. Based on our data from Figure 1 and the USDA Farm Service Agency’s sorghum acreage data for Virginia as of January 16, 2018 (<https://www.fsa.usda.gov/news-room/efoia/electronic-reading-room/frequently-requested-information/crop-acreage-data/index>), we request adding the following counties to the 2017 Emergency Exemption’s list of distribution and use locations: Giles, Greene, Henry, Montgomery, and Page.

Thank you for your help and please feel free to contact me with any questions, comments, or any other ways that I can assist with the recertification request.

Sincerely,  
Sean Malone, Research Specialist



**Dow AgroSciences**

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**Dow AgroSciences LLC**  
9330 Zionsville Road  
Indianapolis, IN 46163

**dowagro.com**

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February 2, 2018

Mr. Micah Raub  
Program Coordinator  
Office of Pesticide Services  
Virginia Department of Agriculture and Consumer Services  
102 Governor Street, Room LL14  
Richmond, VA 23219

Re: Support letter for Transform™ WG Section 18 on sorghum

Dear Mr. Raub,

Per your request, this letter is to confirm that Dow AgroSciences supports the pursuit of a Section 18 emergency exemption for Transform WG to control sugarcane aphid in sorghum in the state of Virginia. Transform WG has provided excellent efficacy against the sugarcane aphid in previous use under Section 18 exemptions, with no negative impacts on non-target insects. It also represents a new class of chemistry with a novel mode of action, and controls pests resistant to other classes of chemistry.

If you have questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Thomas".

Jamey Thomas, Ph.D.  
US Regulatory Manager  
Dow AgroSciences

cc: Tami Jones-Jefferson, DAS  
Randy Huckaba, DAS

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Dow AgroSciences

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268-1054 USA

## Transform® WG

EPA Reg. No: 62719-625

For Control of Sugarcane Aphid (*Melanaphis sacchari*) in Sorghum

Section 18 Emergency Exemption

File symbol: XXXXXX

FOR DISTRIBUTION AND USE ONLY IN ACCOMACK, ALBEMARLE, ALLEGHANY, AMELIA, APPOMATOX, AUGUSTA, BEDFORD, BOTETOURT, BRUNSWICK, BUCKINGHAM, CAMPBELL, CAROLINE, CARROLL, CHARLOTTE, CHARLES CITY, CLARKE, CULPEPER, CUMBERLAND, DINWIDDLE, ESSEX, FAUQUIER, FLOYD, FLUVANNA, FRANKLIN, FREDERICK, GILES, GLOUCESTER, GOOCHLAND, GREENE, GREENSVILLE, HALIFAX, HANOVER, HENRICO, HENRY, ISLE OF WRIGHT, JAMES CITY, KING GEORGE, KING WILLIAM, KING AND QUEEN, LOUDON, LOUISA, LUNEBURG, MADISON, MATHEWS, MECKLENBURG, MONTGOMERY, NEW KENT, NOTTOWAY, NORTHAMPTON, ORANGE, PAGE, PITTSYLVANIA, POWHATAN, PRINCE EDWARD, PRINCE GEORGE, PRINCE WILLIAM, RICHMOND, ROCKBRIDGE, ROCKINGHAM, RUSSELL, SHENANDOAH, SMYTH, SOUTHAMPTON, SPOTSYLVANIA, SUFFOLK, SURRY, SUSSEX, VIRGINIA BEACH, WASHINGTON, WESTMORELAND, AND WYTHE COUNTIES IN VIRGINIA  
UNDER SECTION 18 EMERGENCY EXEMPTION

This Section 18 Emergency Exemption is effective XXXXX and expires XXXXX.

- This labeling must be in the possession of the user at the time of application.
- It is a violation of federal law to use this product in a manner inconsistent with its labeling.
- Read the label affixed to the container for Transform® WG insecticide before applying. Carefully follow all applicable directions for use, restriction, and precautions including Worker Protection Standards except as modified on this label.
- Any adverse effects resulting from the use of Transform WG under this emergency exemption must be immediately reported to the Virginia Department of Agriculture and Consumer Services.

**Environmental Hazards Statement:** This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry. Risks to managed and native pollinators from contact with pesticide spray or residues can be minimized when applications are made before 7:00 a.m. or after 7:00 p.m. local time or when the temperature is below 55 degrees Fahrenheit (°F) at the site of application.

### Directions for Use

#### Pests and Application Rates:

Pests	Transform WG (oz/acre) (0.023 – 0.047 lb ai/acre)	Comments
Sugarcane aphid	0.75 – 1.5 (0.023 – 0.047 lb ai/acre)	Use a higher rate in the rate range for heavy pest populations.

**Application Timing:** Treat in accordance with local economic thresholds. Consult your Dow AgroSciences representative, cooperative extension service, certified crop advisor or state agricultural experiment station for any additional local use recommendations for your area.

**Application Method:** Control of sugarcane aphid may be contingent on thorough coverage to the crop. Use sufficient water to get full coverage of the canopy. It is recommended that a minimum of 5 gallons of water be applied by air.

**Spray Drift Management:** Applications are prohibited above wind speeds of 10 miles per hour (mph). Applications must be made with medium to coarse spray nozzles (i.e., with median droplet size of 341  $\mu$ m or greater).

**Restrictions:**

- **Preharvest Interval:** Do not apply within 14 days of grain or straw harvest or within 7 days of grazing, or forage, fodder, or hay harvest.
- A restricted entry interval (REI) of 24 hours must be observed.
- Do not make more than two applications per acre per year.
- **Minimum Treatment Interval:** Do not make applications less than 14 days apart.
- Do not apply more than a total of 3.0 oz of Transform WG (0.09 lb ai of sulfoxaflor) per acre per year.
- Do not apply product  $\leq$  3 days pre-bloom or until after seed set.

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R396-203

Approved: \_\_/\_\_/\_\_

Replaces R396-169